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SENATE BILL 232

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Michael S. Sanchez

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE AMOUNT OF PROCESSING FEES THAT MAY BE ASSESSED BY A DISTRICT ATTORNEY IN WORTHLESS CHECK CASES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-36-10 NMSA 1978 (being Laws 1984, Chapter 110, Section 4) is amended to read:

"30-36-10. DISTRICT ATTORNEY--PROCESSING FEE. --

A. A district attorney is authorized to assess a processing fee against ~~[any]~~ a person who is convicted of violating Section 30-36-4 NMSA 1978 and against ~~[any]~~ a person who acknowledges violation of that section but for whom prosecution is waived by the district attorney. The processing fee assessed pursuant to this section shall not exceed:

~~[(1) five dollars (\$5.00) if the amount of the~~

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1 ~~check, draft or order is less than twenty-five dollars~~

2 ~~(\$25.00);~~

3 ~~(2) ten dollars (\$10.00) if the amount of the~~  
4 ~~check, draft or order is twenty-five dollars (\$25.00) or more~~  
5 ~~but less than one hundred dollars (\$100);~~

6 ~~(3) thirty dollars (\$30.00) if the amount of~~  
7 ~~the check, draft or order is one hundred dollars (\$100) or more~~  
8 ~~but less than three hundred dollars (\$300);~~

9 ~~(4) fifty dollars (\$50.00) if the amount of~~  
10 ~~the check, draft or order is three hundred dollars (\$300) or~~  
11 ~~more but less than five hundred dollars (\$500); and~~

12 ~~(5) seventy-five dollars (\$75.00) if the~~  
13 ~~amount of the check, draft or order is five hundred dollars~~  
14 ~~(\$500) or more.]~~

15 (1) ten dollars (\$10.00) when the amount of  
16 the check, draft or order is one hundred dollars (\$100) or  
17 less;

18 (2) fifty dollars (\$50.00) when the amount of  
19 the check, draft or order is more than one hundred dollars  
20 (\$100) but not more than five hundred dollars (\$500);

21 (3) seventy-five dollars (\$75.00) when the  
22 amount of the check, draft or order is more than five hundred  
23 dollars (\$500) but not more than one thousand dollars (\$1,000);  
24 and

25 (4) one hundred dollars (\$100) when the amount

1 of the check, draft or order is more than one thousand dollars  
2 (\$1,000).

3 B. All processing fees collected by a district  
4 attorney pursuant to this section shall be transmitted to the  
5 administrative office of the district attorneys for credit to  
6 the district attorney fund. "

7 Section 2. EFFECTIVE DATE. --The effective date of the  
8 provisions of this act is July 1, 2005.

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